

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,) CASE NO.: CR97-027-RSM
Plaintiff,)
v.) SUMMARY REPORT OF U.S.
DONALD HOWARD PARKER,) MAGISTRATE JUDGE AS TO
Defendant.) ALLEGED VIOLATIONS
) OF SUPERVISED RELEASE

An initial hearing on supervised release revocation in this case was scheduled before me on September 8, 2005. The United States was represented by AUSA Vince Lombardi and the defendant by Jennifer Wellman for Carol Koller. The proceedings were recorded on cassette tape.

Defendant had been sentenced on or about April 11, 1997 by the Honorable Barbara Jacobs Rothstein on a charge of Possession of a Stolen U.S. Postal Money Order with Intent to Convert It and sentenced to 18 Months Custody, 3 years Supervised Release.

The conditions of supervised release included requirements that defendant comply with all local, state, and federal laws and with the standard conditions of supervision. Other special conditions included no firearms, submit to search, narcotic addiction/drug dependency treatment and testing, refrain from alcohol and other intoxicants, provide access to financial information, and restitution in the amount of \$35,000. (Dkt. 21)

On March 24, 1998 the defendant's probation officer reported that the defendant had been

01 unsuccessful in securing a release residence. (Dkt. 25). Defendant's supervised release was
02 modified to require him to participate in a community sanctions center/community corrections
03 center for up to 120 days. (Dkt. 27) On July 23, 1998, defendant's probation officer reported that
04 defendant had absconded from Pioneer Fellowship House on July 21, 1998 and was discharged
05 from the program. He also was reported to have violated the special condition of supervised
06 release by ingesting alcohol at Pioneer Fellowship House on July 20, 1998 and by failing to notify
07 his probation officer that he had left Pioneer Fellowship House. His whereabouts were not known.
08 (Dkt. 28)

09 Further violations were alleged and added to the previous violation report. These included
10 allegations that defendant had committed the crime of Burglary on September 22, 1998,
11 committed the crime of Robbery in the First Degree on September 22, 1998, committed the crime
12 of Assault in the Second Degree on September 22, 1998, and had consumed alcohol and/or drugs
13 on or prior to September 22, 1998. (Dkt. 29) The violations were re-alleged on April 12, 2005
14 (Dkt. 33). The case was re-assigned to the Honorable Ricardo S. Martinez.

15 The defendant was arrested in the Eastern District of Washington in April 2005. He
16 waived an identity hearing, and was transferred to this District (Dkt. 34 & 35). After an initial
17 appearance, an evidentiary revocation hearing was held on June 2, 2005 before Judge Martinez
18 at which the defendant admitted seven violations to his supervised release. He was remanded to
19 serve 60 days in custody with credit for time served, and 22 months supervised release with special
20 conditions including 180 days at a halfway house (Dkt. 40).

21 In an application dated September 7, 2005, U.S. Probation Officer Brian H. Rogers
22 alleged the following violation of the conditions of supervised release:

23 1. Unlawful possession of a controlled substance: heroin and cocaine, on September
24 7, 2005 at 1717 Belmont Avenue, Apt. 30, Seattle WA 98122 in violation of the general condition
25 that he not unlawfully possess a controlled substance.

26 2. Using heroin on or about September 7, 2005 in violation of standard condition

01 number 7 that prohibits him from using a controlled substance.

02 3. Possession of drug paraphernalia on September 7, 2005 at 1717 Belmont Avenue,
03 Apt 30, Seattle WA 98122 in violation of standard condition number 7 that prohibits him from
04 having possession of any paraphernalia related to any controlled substance.

05 4. Failing to submit to drug testing as directed on August 23, August 29 and
06 September 6, 2005 in violation of the special condition requiring that he submit to drug testing as
07 directed by the probation office.

08 Defendant was advised in full as to those charges and as to his constitutional rights.

Defendant admitted each of the alleged violations and waived any evidentiary hearing as to whether they occurred.

11 I therefore recommend the Court find defendant violated his supervised release as alleged
12 and that the Court conduct a hearing limited to the issue of disposition. The next hearing will be
13 set before Judge Martinez.

Pending a final determination by the Court, defendant has been detained.

15 DATED this 12th day of September, 2005.



Mary Alice Theiler
United States Magistrate Judge

20 cc: District Judge: Honorable Ricardo S. Martinez
AUSA: Vince Lombardi
21 Defendant's attorney: Jennifer Wellman and Carol Koller
Probation officer: Brian H. Rogers